

An Introduction to Human Rights in Disability Services

A training program for disability support workers

A TRAINING GUIDE FOR MANAGERS AND ORGANISATIONS



NDS

National Disability Services

ACKNOWLEDGEMENTS

A competency tool was funded and developed by Peninsula Access Support & Training (P.A.S.T). National Disability Services (NDS) acknowledges the work of Kath Moodie, Quality Administration Manager, P.A.S.T, in writing the competency tool. Please contact NDS for access to the competency tool that was mapped with two units of competence from the Community Services Training Package CHC08.

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September 2014

INTRODUCTION

Human rights matter. Whilst everyone has human rights, people with disability do not always have their human rights upheld.

National Disability Services' e-learning program, An Introduction to Human Rights in Disability Services - A training program for disability support workers takes support workers (paid and unpaid) through the basics of what human rights are and how they apply to their work in disability services.

Increasingly, legislation, policies and standards are being underpinned by human rights. The National Standards for Disability Services have a greater focus on human rights and person centred approaches, and promote choice and control by people with disability. These are considered critical under the National Disability Insurance Scheme (NDIS) and seen as a transitional reform enabling nationally consistent quality standards to apply for the disability services sector.

A human rights-based approach not only leads to better outcomes for people with disability, but also for workers and organisations. Learning about human rights and applying them in day-to-day practice is an ongoing journey.

This training guide will help managers to further develop their own understanding of human rights and to continue the conversation with support workers to promote rights-based approaches within organisations.

IMPLEMENTING THE TRAINING GUIDE:

This training guide is designed to support managers and organisations to reinforce and build on disability support workers' understanding of human rights. It is to be used after support workers have completed National Disability Services' e-learning program, An Introduction to Human Rights in Disability Services - A training program for disability support workers.

Managers should complete the e-learning training program prior to working through this guide with workers. It is expected that managers are familiar with the module content, particularly where state specific legislation is outlined in Modules 2 and 3.

This training guide is designed to be a national resource, applicable to complement all state/territory versions of the e-learning training program. It may support a range of practices within an organisation including but not limited to performance planning and appraisals, ongoing professional development, group training sessions or team meetings.

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HUMAN RIGHTS QUESTIONS AND ANSWERS

It is important for support workers to understand the principles, practices and legislative requirements of human rights and to consider how they can be applied as part of their day-to-day work.

INSTRUCTIONS

Ask support workers to answer the following questions in either written format (Appendix A) or as part of a discussion with you. This discussion can take place individually through the supervision process or as part of a group training session or team meeting.

Please consider an individual's language and literacy levels and discuss with them their most preferred method of responding.

The purpose of this activity is to clarify the support worker's understanding of human rights and to explore and challenge their thinking. It is not to be used as a test where they will pass or fail. If support workers wish to review the e-learning modules or resources before responding to the questions, allow them to do so.

Suggested answers have been provided as a guide and also the module where the content is covered in the e-learning training program. Support workers may come up with other content which may or may not be incorrect. Please make sure that you discuss all responses they come up with.

QUESTION	SUGGESTED ANSWER	MODULE
1. Who has human rights?	All people have human rights. People with disability from all cultures, religions and backgrounds have the same human rights as everyone else.	1
2. Describe four reasons as to why human rights matter in your role?	<p>It's the right thing to do</p> <p>People with disability have the same human rights as everyone else, but they are not always upheld in disability services or the community. You can help change this. If human rights are to have meaning, we all have a role to play.</p> <p>It's better for everyone</p> <p>Research shows that a human rights based approach in your work can lead to:</p> <ul style="list-style-type: none"> • Improved outcomes and services for people with disability • Improved outcomes, greater efficiency and more engaging work for you <p>It's a legal obligation</p> <p>Human rights are protected by laws. You have to comply with some of these laws in your work.</p> <p>It's driving change</p> <p>Recognition of the human rights of people with disability is the driver behind lots of changes in disability services. These include:</p> <ul style="list-style-type: none"> • Person centred approaches • Individualised funding • Changing community attitudes and expectations 	1

<p>3. What do the three R's stand for in the three-step process? Describe how each of the steps helps you to apply human rights to your work.</p>	<p>Recognise - Recognise there is an issue which may impact on the human rights of a person that you support.</p> <p>Reflect - Reflect on what can be done to uphold the human rights of the person you support. You may need to involve others or it could be something you can do yourself. It is always a good idea to talk to your manager if you are unsure.</p> <p>Request - If you don't know what action to take or you can't do it, always ask for help. You can ask your manager or someone else at work. If having gone through your organisation's internal policy and procedure you still require help, you can find sources of help outside of your organisation.</p>	<p>1</p>
<p>4. Why is it important to always request help if you don't know what to do or cannot do it on your own?</p>	<p>You are not expected to have all the answers, or do it on your own. Doing things together is good human rights practice and strengthens your team's human rights values.</p>	<p>1</p>
<p>5. Describe the four general human rights principles using the acronym FRED.</p>	<p>Freedom - We all have the right to be free. Like all of us, people with disability have the right to have their own things (home, clothes etc), the right to freedom, choice of work and to be safe. People have the right to move about freely, express their opinions and they must be treated fairly if they do something wrong.</p> <p>Respect - We all have the right to be treated with respect. Like all of us, people with disability have the right to be respected. People have the right to have their choices respected and to have their family, culture, sexuality and religious beliefs respected.</p> <p>Equality - We all have the right to be treated equally. Like all of us, people with disability have the right not to be discriminated against, including on the basis of disability, or treated unfairly. People with disability have the right to the same opportunities to make choices that we would all ordinarily expect. They have the right to participate in the community, and access the same facilities and services as others. They are equal before the law, and equal in voting rights.</p> <p>Dignity - We all have the right to be treated with dignity. People with disability must not be spoken down to. People must have their privacy respected, and their personal information kept confidential. A person must not be physically or mentally abused or neglected, or subjected to cruel, inhuman or degrading treatment. It is important that people with disability are treated with dignity.</p>	<p>1</p>
<p>6. We all have a role to respect, protect and fulfil human rights. Describe what these statements mean in relation to your responsibilities as a disability support worker.</p>	<p>Respect - Refrain from violating human rights.</p> <p>Protect - Prevent others from violating human rights.</p> <p>Fulfil - Take positive steps to make sure that people with disability experience the same human rights as everyone else.</p>	<p>1</p>
<p>7. List the principles of the UN Convention using the acronym I RAN FREE.</p>	<p>Individual autonomy, including the freedom to make one's own choices and be independent, and respect for inherent dignity</p> <p>Respect for difference, human diversity and humanity</p> <p>Accessibility</p> <p>Non-discrimination</p> <p>Full and effective participation in the community</p> <p>Recognition and respect for evolving capacities of children</p> <p>Equality of opportunity</p> <p>Equality between women and men</p>	<p>2</p>

<p>8. Describe in detail the UN Convention principle - I</p>	<p>Individual autonomy, including the freedom to make one's own choices and be independent, and respect for inherent dignity.</p> <p>People with disability have the right to autonomy. They have the right to:</p> <ul style="list-style-type: none"> • Make their own choices • Be independent • Determine their own lives <p>People with disability must be treated with dignity.</p>	<p>2</p>
<p>9. Describe in detail the UN Convention principles - RAN</p>	<p>Respect for difference, human diversity and humanity - People with disability's differences must be respected. All human beings have differences. People with disability are as diverse as the population as a whole. They come in different colours, heights, weights, have different views, beliefs and so forth. It is our duty to have respect for the diversity of humankind.</p> <p>Accessibility - People with disability must have access to places, services and information. This includes physical access and making information available in ways that people can understand e.g. Easy English.</p> <p>Non-discrimination - People with disability must be treated fairly and must not be discriminated against. It is unlawful to treat a person unfavourably because the person has a disability. This is discrimination.</p>	<p>2</p>
<p>10. Describe in detail the UN Convention principles - FREE</p>	<p>Full and effective participation in the community - People with disability must be able to fully participate and be included in the community. They must have the same rights to vote, the same rights to take part in public life and to access community resources. People with disability must have the same rights to take part in social and economic life, education and recreation, as well as to work.</p> <p>Recognise and respect for evolving capacities of children - The abilities of children to grow and change over time must be respected. Children have the right to be educated and the right to a family life. It is vital to support children to grow to their full potential so that they can make the most of life as adults.</p> <p>Equality of opportunity - People with disability must have the same opportunities as everyone else. It must never be assumed that people with disability are not able to contribute to our society simply because of their disability. We all bring our own skills and gifts to the community and we should have the same right as others to use our skills and gifts.</p> <p>Equality of men and women - Women and men must be treated equally. Women and men must not be treated unfavourably or denied opportunities because of their gender. The different needs and experiences of women and men must be thought about and taken into account when they receive support. Women with disabilities are more at risk of having their human rights violated and experience many different types of discrimination.</p>	<p>2</p>
<p>11. What is the legislation that guides the support you provide to people with disability?</p>	<p>Refer to the e-learning training program, Module 2 for your specific state/territory's:</p> <ul style="list-style-type: none"> • legislation for disability services (including standards and safeguards) • Human rights act or charter (where applicable) 	<p>2</p>

<p>12. What does this legislation mean for you in your role?</p>	<p>As a disability support worker you also need to do your part in providing support which:</p> <ul style="list-style-type: none"> • Respects and promotes the legal and human rights of people with disability • Places people with disability at the centre of decision making <p>Refer to the e-learning training program, Module 2 for details specific to your state/territory.</p>	<p>2</p>
<p>13. What are the requirements for disability service providers in relation to human rights?</p>	<p>Refer to the e-learning training program, Module 2 for details specific to your state/territory's standards or charter.</p>	<p>2</p>
<p>14. What is your responsibility under your state/territory's standards, act or charter?</p>	<p>Refer to the e-learning training program, Module 2 for details specific to your state/territory's standards or charter.</p>	<p>2</p>
<p>15. Name any of the anti-discrimination laws that give effect to human rights and affect your work.</p>	<p>Anti-discrimination laws:</p> <ul style="list-style-type: none"> • Disability Discrimination Act 1992 (Cth) • Australian Human Rights Commission Act 1986 (Cth) • State legislation outlined in the e-learning training program, Module 2 <p>These Acts protect people with disability from being discriminated against on the basis of their disability.</p> <p>They also protect a person from being discriminated against because they are associated with people with disability.</p>	<p>2</p>
<p>16. Think about human rights and risk.</p> <p>a) How do we balance human rights and risks?</p> <p>b) Why should people with disability be supported to make choices that involve risks?</p> <p>c) What is meant by right to choice vs Right to safety</p> <p>d) What is meant by duty to uphold rights vs Duty of care</p>	<p>a) Human rights and risks - A focus on human rights does not mean you have to choose between human rights and neglecting your other duties. You can take steps to lessen or prevent the possibility of the risk of danger happening.</p> <p>b) Choices that involve risks - People with disability have the right to make decisions and choices. Some choices involve risks.</p> <ul style="list-style-type: none"> • From crossing the road to abseiling, risks are an inherent part of living a full life • By challenging ourselves, we can grow and learn resilience • Overprotection can create a feeling of vulnerability, can crush hopes and can often deny personal choices <p>c) Right to choice vs Right to safety - People with disability have the right to choice, but they also have the right to be safe.</p> <p>d) Duty to uphold rights vs Duty of care - You have a duty to uphold the human rights of people with disability to make their own choices. You also have a duty of care to ensure that reasonable measures are taken to prevent harm which may be reasonably foreseen.</p>	<p>3</p>
<p>17. Behaviours of concern/challenging behaviours may lead to restrictive practices being used which limit a person's human rights. What can you do when faced with behaviours of concern/challenging behaviours?</p>	<ul style="list-style-type: none"> • Think about what may have caused the behaviour. • Look for ways you may be able to modify the environment, context and interactions with people. • Talk to your manager about your observations. • Talk to your manager if you have concerns about any restrictive practices that are in place. 	<p>3</p>

<p>18. Empowerment will help people to understand and exercise their human rights.</p> <p>Describe the following key components of empowerment:</p> <p>a) Awareness</p> <p>b) Autonomy</p> <p>c) Communication</p>	<p>a) Awareness</p> <p>For people to exercise their human rights, they need to:</p> <ol style="list-style-type: none"> 1. Understand that they have human rights; and 2. Know how and where to go to speak up or obtain support. <p>Some people with disability do not understand that they have human rights. Some people with disability have never been given any information about their human rights. There are formal ways (e.g. training) and informal ways (e.g. everyday conversations) for people with disability to learn about their human rights. You can help people with disability to understand their human rights by talking about their human rights with them regularly. Sometimes people may need an independent advocate to achieve their human rights.</p> <p>There are some challenges to overcome though. Some people with disability don't speak up. It is your role to ensure they understand they can speak up and to support them to exercise their human rights.</p> <p>b) Autonomy</p> <p>Autonomy is:</p> <ul style="list-style-type: none"> • Freedom to make one's own choices • Be independent • Determine one's own life <p>It is also a principle of the UN Convention.</p> <p>People with disability have the right to make choices. These could be every day, lifestyle or major life choices. You need to communicate with people with disability as their choices may change over time.</p> <p>c) Communication</p> <p>For people with disability to be empowered to exercise their rights, they need to be able to communicate and be listened to. People communicate in different ways – words, pictures, behaviours.</p> <p>It is up to you to use methods to support people with disability to communicate and therefore be empowered.</p>	4
<p>19. Why is it important for people with disability to speak up, and for organisations to have a complaints process that enables this to occur?</p>	<ul style="list-style-type: none"> • Service providers must have a complaint process for people with disability to use if they are not happy about something. People with disability have the right to make a make a complaint about a service and have it addressed and resolved. • Change will only happen if people speak up - everyone should be encouraged to speak up, and feel free to relate how they are feeling about their service or support • It will help you to keep improving what you do in your job • It leads to better services and outcomes for everyone 	4
<p>20. People with disability have the right to make a make a complaint about a service and have it addressed and resolved.</p> <p>a) Who can people with a disability complain to?</p> <p>b) What can you do if they have complaint to make?</p>	<p>a) People with disability can complain to:</p> <ul style="list-style-type: none"> • You • Disability service provider • State or territory funding body • Ombudsman, Disability Service Commissioner or equivalent • People with disability can seek support from an advocacy organisation <p>b) Let people with disability know that it is ok to speak up</p> <ul style="list-style-type: none"> • Listen to the people you support • Recognise when someone is making a complaint and respond • Know your disability service provider's complaint process 	4

<p>21. Describe the following types of choices people may make:</p> <p>a) Everyday choices</p> <p>b) Lifestyle choices</p> <p>c) Major life choices</p>	<p>a) Everyday choices – everyday passing choices that we all make many times each day. e.g. what's for breakfast, what to watch on TV, what bus to catch.</p> <p>b) Lifestyle choices – choices about how to live, where to live and what to wear. These choices show who we are to others.</p> <p>c) Major life choices – choices which have a major impact on all other life areas, including work, education, family, health intimate relationships.</p>	<p>4</p>
<p>22. The principles of the NDIS have been summarised in plain English as:</p> <ul style="list-style-type: none"> • Choice & Control • Presumption of capacity • Minimum intervention • Minimum restrictions • Inclusion& flexibility • Dignity in risk <p>Thinking about what you have learnt about human rights in the e-learning training program, describe how these principles support the human rights of people with disability?</p>	<p>The principles in the NDIS do support the human rights of people with disability.</p> <p>The principles align with the principles of the UN Convention as described by the acronym I RAN FREE.</p> <p>www.ndis.gov.au</p>	<p>N/A</p>

HUMAN RIGHTS CASE STUDIES

It is critical for support workers to be able to put themselves in the shoes of people with disability and also think outside of the square.

The following case studies are designed for support workers to further reflect on what they have learnt through the e-learning training program. This will ensure they can continually learn about other ways to work within their workplace and review their work practices so that they are meeting their obligations to uphold people's human rights and provide the individualised services and supports people with disability are entitled to.

INSTRUCTIONS

Organise a team meeting, group training session or a planned group discussion to ask support workers to provide their responses (Appendix B) to the following questions related to the case studies in the e-learning training program. Discuss how they came to their conclusion/outcome.

Prompt support workers to think about the key points in the suggested answers if they do not cover these. Discuss the approaches they believe they can personally change to further uphold the human rights of people with disability they are working with. Make suggestions regarding areas that everyone could consider or try over the coming weeks with the people they support.

Organise a time approximately a month after the initial meeting for the team to discuss how they went with trying new approaches and practices, any issues that arose, good results and challenges they need to consider.

SITUATION: MODULE 1

In Module 1, Steph explains two different situations that occurred with her mail. In the first situation, John acknowledged that he had noticed a letter on her desk. He did not look at it but he made a general enquiry about the contents. In the second situation, John finds a letter open but gives it back to Steph without looking through the contents.

These two examples describe how John, as a disability support worker, respected, protected and fulfilled Steph's human rights as part of this day-to-day practice.

QUESTION

Provide example(s) of where you have had to consider these three key obligations to respect, protect and fulfill the human rights of a person that you work with.

Describe in detail what you did to meet these obligations and why you took this approach.

SUGGESTED ANSWERS

The example should to cover the following areas:

- Respect - refrain from violating human rights
- Protect - prevent others from violating human rights
- Fulfill - take positive steps to make sure that people with disability experience the same human rights as everyone else.

The worker needs to describe what they did and why to demonstrate their understanding through sound reasoning and practices.

SITUATION: MODULES 1 & 4

Privacy is very important to all of us and we take it for granted when we are able to complete all our daily living tasks ourselves. When a person needs assistance, this right to privacy can be removed or restricted very easily without workers even realizing it.

Whether it be a situation where workers come into a person's bedroom and do not knock and wait for the person to acknowledge their entrance like it was in Steph's situation with Marge; or whether it be a time where someone is discussing your personal information in front of others without your consent; these are cases where an individual's human right to privacy is not upheld.

Sometimes people will not complain as they don't know they have human rights, they do not have the skills, they are not aware of how to complain or they don't want to cause trouble for anyone, even if they are really unhappy about what is occurring.

In Module 2, Steph describes her desire to go on a holiday to the Great Barrier Reef. She makes the point that everyone was aware of this personal goal, but no planning or discussion had occurred with her about how she could work towards achieving it.

One of the human rights this decision engages is Steph's right to independent autonomy, including the freedom to make one's own choices and the respect for her inherent dignity.

QUESTION

What can you do to assist a person with disability that may be in this situation where their privacy is not being respected and they don't want to complain?

SUGGESTED ANSWERS

Let people with disability know that it is ok to speak up.

- Listen to the people you support
- Recognise when someone is making a complaint and respond
- Know and provide details about your disability service provider's complaint process

Awareness comes from listening to people and recognising where there are human rights issues. Listen, hear and act when a person registers their own complaint using the service provider's agreed process and support the person to communicate where necessary. If the person cannot do so for themselves support them in finding a person or advocate who can.

People with disability can complain to:

- You
- The disability service provider
- State /territory government bodies/funding bodies
- Ombudsman, Disability Service Commissioner or equivalent
- People with disability can seek support from an advocacy organisation

SITUATION: MODULE 2

In Module 2, Steph describes her desire to go on a holiday to the Great Barrier Reef. She makes the point that everyone was aware of this personal goal, but no planning or discussion had occurred with her about how she could work towards achieving it.

One of the human rights this decision engages is Steph's right to independent autonomy, including the freedom to make one's own choices and the respect for her inherent dignity.

QUESTION

If Zita decided to acknowledge this situation with Steph and said the statement below, would she now meet Steph's human rights or would she still be restricting them? Explain your response and detail why you think this.

Statement:

"We are aware that you want to go on a holiday to the Great Barrier Reef but there are times when you just can't do everything you want to do in life because of different restrictions outside of our control. Our staffing situation just won't allow us to support you to do this at the moment – how about all of us go to Phillip Island for a week instead?"

SUGGESTED ANSWERS

Make sure the conversation remains focused on whether her human rights have now been upheld or not, and, if not, how they can be.

It is great that Zita is having the conversation with Steph about a holiday.

The idea of going on a holiday with others to a place she is not interested in does not truly meet her needs and her human rights are not being considered.

A trip to Phillip Island may be a short term solution so that Steph has a holiday this year, but to meet her human rights there would need to be a discussion around planning for a holiday to the Great Barrier Reef. This would involve asking questions with Steph such as what, why, when, who, where and how to gather further information so that a plan can be developed to achieve this goal. Sometimes there are several steps that need to be taken to achieve a goal, but it is important not to prevent these steps from achieving the goal.

You may receive responses such as 'well, I don't get to do everything I want to in life so why should Steph?' It is recommended that you do not get into a debate about this issue but just acknowledge that this is correct for all of us.

SITUATION: MODULE 2

In Module 2, Steph has received an individualised support package which is allowing her to move on from the day centre which she has attended for 7 years.

She is going to undertake a literacy course, travel on trains and she has very clear goals of wanting to complete her Certificate II in Retail and work in a shop.

This is a fantastic situation where a worker has not only heard what Steph wants but taken action to assist her by being involved in supporting the choices and decisions she has made and consequently change her life. Often this is not the case and choices and decisions are made FOR the person and not WITH the person.

QUESTIONS

- a) Describe the human rights principles from UN Convention that you believe are being upheld in Steph's situation.
- b) Describe a time that you are aware of, when a person's goals and aspirations were listened to and acted upon and the outcome for the person has been positive for them.

SUGGESTED ANSWERS

a) Principles from UN Convention: FRED

- Freedom- the right to be free
- Respect - the right to be treated with respect
- Equality - the right to be treated equally
- Dignity - the right to be treated with dignity

b) Examples can include everyday choices, lifestyle choices and major life choices.

Being able to see a friend on a regular basis, having a trial at a work placement I think I might like to work at, going to live shows once a month, moving out of home.

All these examples need to have:

- Consultation at the core
- The ability for the person to make the final choice
- This involves giving them the relevant information to be able to make an informed choice
- Having the correct communication aids necessary so that they can contribute
- Discussing any associated risks and the approaches to minimise those risks
- Allowing for a self-directed approach
- Involving key people in the person's life if the person chooses this

Too many support workers decide what's good for people and do not ask whether they want to participate. If you hear support workers say 'but it is good for them' then they are not listening to the person's wishes.

SITUATION: MODULE 2

In Module 2, Ali's parents have been informed by workers in the house that they are not to visit him at the group home and that the workers believe it would be best that Ali visit them at their home. He is locked in his room when he gets upset when his parents do not come and he is in his room for some time without any engagement from the workers or other people in the house.

QUESTIONS

- a) What is wrong with this situation?
- b) Which human rights in the UN Convention are not being upheld for Ali, the other residents?
- c) Are the workers balancing the risks and duty of care for the other residents above Ali's needs?
- d) What should be considered to assist this situation and to resolve it so that everyone's needs and rights are being met?

SUGGESTED ANSWERS

- a) Workers are not providing support in a way that respects or promotes Ali's human rights.
 - They are not considering Ali's needs at all
 - On the surface it may seem that it is best for everyone but there have not been any alternative solutions identified
 - No consultation with Ali or his parents
 - Restrictive intervention has been applied with no assessment as to why Ali is reacting in this unsafe manner
 - Ali's communication is limited and no strategies have been considered to assist him to share his emotions and feelings about the situation
- b) Ali's human rights not being upheld include:
 - **Freedom from torture, cruel, inhuman or degrading treatment or punishment** - because he is seemingly being punished.
 - **Liberty and security of the person** - unless the seclusion timeout is part of an agreed/authorised behaviour support plan Ali is being unfairly deprived of his liberty.
 - **Respect for home and family life** - because parents should not be banned from the home and Ali should be encouraged to enjoy his family visits.
- c) There is a clear conflict of Ali's needs and the needs of the other residents. There can be a conflict between:
 - People with disability's own human rights
 - People with disability and others at the service
 - People with disability and workers

In these situations, we have to find a way to balance human rights.

Right to choice vs Right to safety

People with disability have the right to choice, but they also have the right to be safe.

Balancing human rights and risk

People with disability have the right to make decisions and choices. Some choices involve risks.

Why should people with disability be supported to make choices that involve risks?

- From crossing the road to abseiling, risks are an inherent part of living a full life
- By challenging ourselves, we can grow and learn resilience
- Overprotection can create a feeling of vulnerability, can crush hopes and can often deny personal choices

Duty to uphold human rights vs Duty of care

You have a duty to uphold the human rights of people with disability to make their own choices. You also have a duty of care to ensure that you take reasonable steps to minimise the risk of harm to anyone who is reasonably likely to be affected by the activities of your organisation.

d) Things to consider to resolve the situation:

- Meet with Ali and find out what he wants
- Identify ways of allowing Ali to communicate his feelings and thoughts
- Meet with Ali's parents and discuss the situation and discuss strategies that meets their needs and Ali's needs
- Do not apply restrictive interventions as a way of removing/ignoring the situation
- Identify strategies with Ali to assist with his frustration if his parents cannot visit
- Develop an appropriate plan that does not restrict Ali's human rights or the other residents
- We can move from a choice between upholding Ali's human rights 'or' the human rights of the other residents to a situation where we can uphold Ali's human rights 'and' that of the other residents.

SITUATION: MODULE 3

In Module 3, Steph describes how the group home doors were locked to protect Joshua from wandering off and potentially putting himself at risk. This practice restricted his human rights and the principles in the UN Convention. The specific principles applicable in Joshua's situation are:

- Individual autonomy
- Respect for difference
- Accessibility
- Non-discrimination
- Full and effective participation in the community
- Equality of opportunity

The worker believed that this practice was necessary to provide Joshua with a safe environment. This belief was challenged and less restrictive practices were put into place for Joshua. When this practice of locking the doors occurred and it restricted Joshua's human rights, it also impacted on the human rights of the other people, Steph, Ali and Vicki, who were living in the house.

QUESTION

Describe the rights you believe that have been restricted within the UN Convention for the other people living in the house.

SUGGESTED ANSWERS

UN Convention

Some of the key human rights under the UN Convention which belong to Steph, Ali and Vicki and are being restricted include:

- Equality and non-discrimination – the other residents have the right to enjoy their human rights without discrimination. If they are locked in the house, they are being treated unfavourably because they have a disability and consequently share a group home with someone is subject to a restrictive practice.
- Right to liberty and security – if the other residents are also locked in, they cannot move freely in and out of their home and their right to liberty is being restricted. Their right to be safe is also potentially at risk because of Joshua's behaviours of concern.
- Freedom from exploitation, violence and abuse – the other residents may be at risk of violence and abuse by Joshua, given he gets angry and throws things because he is locked in.

Thus, we can see how when a less restrictive approach was taken and the doors were unlocked, not only were Joshua's human rights upheld but so too were those of Steph, Ali and Vicki. They could move freely around and were safer as Joshua's behaviours of concern were reduced.

SITUATION: MODULES 3 & 4

In Module 3, Steph describes a lady by the name of Sian who was told by her group home that she could only have one packet of cigarettes a month. As much as Matt at the group home felt that he was doing the best thing for Sian by looking after her health, he was not balancing Sian's right to choose what she wanted. He was only considering the associated risks smoking posed to her health. He decided that these risks were too high, and therefore overrode Sian's right to choice.

There are times when we all believe we are trying to help people with the best intentions but we may not realise that we are restricting their human rights. This includes balancing the need to uphold people's human rights, with the associated risks, the duty of care to yourself and the person you are supporting and the right to safety for all. The right to choice and taking risks can be balanced against the right to safety by taking actions to minimise the risk.

QUESTION

Provide an example of a time when you have been in a situation where you felt you were doing the right thing by the person you were supporting but looking back now you may have been/were actually restricting their human rights.

Your example may involve a restriction on an everyday, lifestyle or major life choices that affected the person.

SUGGESTED ANSWERS

Everyday choices are everyday passing choices that we each make many times each day. Examples of everyday choices include what to have for dinner, when to go to bed, what to watch on TV each night.

Lifestyle choices include choices about how to live, where to live and what to wear. These choices show who we are to others. There are other examples such as where to go on holidays, which bank to have my money in, what church to go to, how to travel around each day, friendships, and budgeting.

Major life choices are choices which have a major impact on all other life areas. Examples include who to live with, whether to work or not, what vocation to work/volunteer in, whether to have children, whether to get a license and buy a car, and buying a house.

Ask support workers to describe how they are feeling at this time as they discuss those areas that they acknowledge were not dealt with correctly as they restricted people's human rights. Ask them how they would feel if they were placed in a position where they were for example:

- Told where they were going to live
- Told what they would wear each day
- Were given the same breakfast every day without ever being asked if they would like something else
- Told that they could only drink herbal tea as it was good for them
- That their favourite TV program, NCIS, was on too late and they had to go to bed as they needed their rest
- Assumed to always want to do the same activities all the time
- Are assisted to get out of bed at the same time every day without ever being asked if they want to sleep in

WORK BASED SCENARIOS

It is vital for support workers to be able to transfer knowledge into a range of settings and situations and to deal with problems and develop solutions as required as part of the support worker's role and responsibilities.

INSTRUCTIONS

Support workers are to ask questions, challenge their thinking and identify possible solutions and suitable outcomes for people with disability they support. This may include:

- Encouraging an individual to voice their opinion on a topic they have never discussed with them
- Asking an individual if they would like to be a representative on a committee
- Undertaking a formal assessment to identify a person's goals and aspirations
- Assisting an individual to find work or a course that they have expressed an interest in
- Looking for ways that they can encourage an individual to gain more independence in their life

Give support workers time to reflect on the questions and opportunities for them to discuss their responses (Appendix C) with you and their colleagues (where appropriate).

The discussion can take place one-on-one, or in a group training session or team meeting. This reflection and discussion will help support workers to reinforce the good practice they are demonstrating and it will also allow you to correct any misunderstandings or provide further development in a timely manner.

SCENARIOS AND TASKS

At the end of the e-learning training program you were asked to consider three personal commitments you can make to meet the human rights of people with disability you support.

You were asked to reflect on what you have just learnt and write down two or three personal commitments you will make in the next three months to ensure the human rights of people with disability that you support are being fulfilled.

Keep it simple but think about a person with disability you support or what you do in your job every day. Now write down the commitments that you are going to do to make sure that the human rights of the people with disability you support are being fulfilled.

Discuss with your manager how they would like you to provide this response to them - either in writing or verbally.

SUGGESTED ANSWERS

Agree with the support worker about how you would like them to provide their responses.

You want to see responses that demonstrate tangible tasks that they can do as part of their work. Agree on a timeframe of when this is to be completed. Responses should be:

- Specific
- Measureable
- Attainable
- Realistic
- Time bound

Examples may include but are not limited to:

- Asking the person with disability what time they want to get up in the morning
- Asking the person if they want to do the scheduled activity in the morning or do something else
- Not assuming that they will have coffee today with breakfast but asking what they would like today

SCENARIOS AND TASKS

Understanding human rights and speaking up

a) Discuss and identify with your manager up to three different people that you support or that you know, to explain to you:

- Why is it important that people speak up if they are not happy about something?
- What they would do if they were not happy with something about the service they were receiving?
- Who would they tell this too?
- What would they want done once they had made a complaint?
- Have they ever made a complaint before, if not why not?
- If they have made a complaint, did they feel like it was taken seriously?
- Have they been told what happened or what changed because of their complaint?

b) Find your organisation's complaint policy and procedure.

c) Compare this procedure to what you have been told.

d) Report on your findings and cover the following:

- Was the person with disability's human rights considered during each complaint situation?
- Did the procedure get followed as it is prescribed?
- Do people with disability know how to complain?
- Do they understand the process and expectations of what should happen if they do make a complaint?
- Make a recommendation as to how you would explain these rights to people with disability if they have never been explained to them before.

SUGGESTED ANSWERS

Discuss and identify with each support worker three people they can approach and ask questions of in relation to their understanding and experiences with complaints. This should not only be people who have made complaints but other people in your service.

Discuss with the support worker how and when they will approach this topic with the three people identified taking into account their communication needs, advocacy needs, time of the day etc.

Agree on a timeframe of when this is to occur.

The organisation's policy and procedure for complaints needs to be accessible.

Agree with the support worker how you would like them to report this back to you – written or verbal, one-on-one or at a team meeting.

Remind support workers to consider confidentiality and privacy if they are accessing records and documenting people's information.

SCENARIOS AND TASKS

Conflict between people's rights, your personal beliefs and the need to balance safety for you and the person you are supporting can be challenging in many day-to-day situations as well as in life decisions people make.

Consider the following situations and discuss with your colleagues:

a) What human rights have been restricted?

b) How would you personally work through each situation to uphold the person's human rights?

When considering these situations, remember:

- To be aware of your personal beliefs and what you think is right and wrong. Sometimes these can be a barrier to upholding a person's human rights.
- Consider the person's human rights, your organisation's procedures and discuss with others.
- Like many situations in real life, you might need to ask for more information to make your response. It is an important skill to be able to identify when and what additional information is needed.

- a. Mira, a person you are supporting, is aware that she has an illness that will make her very sick and she has been given 6 months to live. She has personally put in place a Do Not Resuscitate (DNR) order.
- b. Jordana, a person you work with, has decided to have a baby. She wants you to take her to an IVF clinic to find out what she has to do to become registered for this procedure. You don't believe that Jordana is making a sound decision as you do not think that she understand the consequences of this decision.
- c. You have been talking with Jack, a person you support during the day. He has informed you that he is working at a take-away fast food place. Jack informed you that he is receiving \$5 per hour and is working the night shift midnight - 8pm. Jack loves the job.
- d. Ahmed, is a new client at your service. He arrives in a one piece jump suit which is zipped up at the back so that he can't take his clothes off. You are informed by the previous service that this is a necessary precaution as Ahmed is likely to smear faeces everywhere and it is disgusting. His parents, Leila and Amir, have requested this be used as they use it at home all the time.
- e. You have been asked by Ruby, to support her to attend a rock concert which you know will be loud, busy and the venue is restrictive and confined in space. Ruby's carers think this is not possible. They told Ruby to forget the idea, it is too dangerous and they will buy her the CD instead.
- f. Tom, a person you support has told you that he is not going to take his medication any longer as he doesn't believe it is doing anything for him. Tom tells you that he has the right to choose if he takes it or not and he doesn't want you to try and convince him any differently. Tom doesn't want to go to the doctors as you suggest– he has decided and it is the end of the conversation.

SUGGESTED ANSWERS

Some of these scenarios may or may not be familiar to support workers or be something they may ever deal with as part of their roles and responsibilities. Acknowledge this with support workers but ask them to consider them as good way of testing the application of their knowledge.

These scenarios and tasks are best discussed as a group so that everyone can hear each other's responses. It is valuable for everyone to reflect and see how others think.

Be aware of your own personal beliefs and how you would deal each situation as you need to be conscious of not influencing the group with your personal opinions.

You need to facilitate the discussion by making the following key points in each scenario.

Recognise:

- Which human rights have been restricted and why?

Reflect:

- How can people's beliefs and values cloud our decision as to what to do?
- When should we get involved?
- What are the workers roles and responsibilities in each scenario?
- How can we balance the right to take risks versus duty of care and the person's needs?
- Are we giving people choice based on the approach that we are suggesting based on the discussion? If not why not?

Request:

- Encourage the workers to talk to you as their manager/supervisor to seek advice.
- Consider when they should go beyond the manager/supervisor and seek external advice.

OBSERVATION CHECKLIST

Practicing the necessary skills required to fulfil someone's human rights can be demonstrated by how we speak and listen to people, our actions and non-action.

INSTRUCTIONS

Below is a list of key skills and actions that should be demonstrated if support workers are undertaking their role in fulfilling people's human rights.

Beside each action is an example of what this may look like in practice. Considering there are so many different roles in the disability sector it is not possible to provide every example you may come across. Each example is a useful opportunity to test your understanding of human rights. These examples will also differ as each person we work with has different needs, situations and abilities. Please use the examples as a guide only.

Gather evidence across a range of settings and times of how each support worker's behaviour is fulfilling these areas. As the supervision arrangements of support workers can be challenging due to the nature of work they undertake, the methods you use need to reflect your work situation.

How would you gather this evidence? Suggestions that you may consider include but are not limited to:

- Formal meetings when you are discussing a person with disability's needs, beliefs, supports etc either in a team or one to one
- Observation on the job as they perform their daily duties – supporting the person when making everyday choices and decisions
- In individual support planning meetings – everyday, lifestyle and major life choices and decisions
- Supporting a person to follow the organisation's complaints procedure
- Observe from a distance – interaction and behaviour towards people as part of their demeanour
- Working with a person they don't particularly get along with but are required to support

It is important that you provide support workers with the list below as it SHOULD NOT be completed as a test. You need to go through these with each support worker either one-on-one or as a group, and provide examples of what these statements mean giving day-to-day examples.

As you gather evidence use opportunities to discuss what you see and hear with support workers at the time as these moments are invaluable. Praise good practice and constructively raise any concerns at the time. Use these experiences as learning opportunities for support workers and teams.

Debrief with support workers and provide the opportunity as part of their supervision meetings and appraisals to explain the expectations of their role and how the legislation relates to fulfilling this role.

During the work day, does the support worker:	These are only suggested examples and they will not be applicable to everyone	Examples you have observed	Yes	No
1. Support people with disability to identify and develop the most effective form of communication for them	Undertakes communication assessments and develops communication profiles - develops storyboards, braille books, written text. Knows their preferred method and uses it.			
2. Treat people with disability as real citizens, with human rights and choice	Gives people with disability the same opportunities as people would ordinarily expect to have.			
3. Promote social inclusion in daily activities	Teaches people with disability how to use social media tools and/or to communicate with local shop owners and/or neighbours.			
4. Provide the type of support that enables people with disability to achieve their full potential in areas of their life	Enables improvement in mobility, communication, education, employment and independence.			
5. Work with people with disability so they can understand how they can support them to have choices and make decisions that affect their lives	Provides opportunities and presents to people with disability every day, lifestyle and major life choices, which have not previously been provided. Does not assume a person won't like something but rather asks and offers a choice.			
6. Encourage people with disability to develop their independence through the way they undertake day-to-day tasks	Assist / educate people to make their bed, breakfast, choose which bus to catch today, what to wear, carry their bag.			
7. Listen and act upon decisions made by people with disability, explaining the risks associated if required	Undertakes the steps that people need support with to enable them to realise their choices. Uses appropriate communication aides where necessary to provide explanations of consequences and likelihood of situations and the associated risks.			
8. Support people with disability to understand their human rights by talking about them regularly	Explains to people with disability through situations what human rights they have by e.g. using I RAN FREE, FRED principles etc.			
9. Keep people with disability's personal information confidential as per the organisation's procedures	Knows the procedure. Does not talk about people with disability in front of others, doesn't leave files around where they can be seen or give information to others without consent.			
10. Conduct ongoing discussions with people with disability, in a way that they prefer, understand and can positively engage in	Always asks people with disability what they would like and does not assume what they would like. Listens and responds appropriately.			
11. Allow people with disability to influence in their own life in ways that they choose	Finds out what people with disability desire, wish to happen, and dream about. Provides them with the information and tools to make it happen.			

12. Respect the family, culture and religious beliefs of people with disability	Helps people to disability to visit family and, attend their church service. Does not buy food that is against their religion.			
13. Make sure they do not discriminate against or treat people with disability unfairly	Doesn't treat a person less favourably on the basis of their disability, race, religious belief, than a person without that disability, race and religious beliefs. Doesn't treat someone the same as everyone else, where that same treatment disadvantages that person because of their disability. For example, it is discriminatory if the written information is the same for everyone but has not been provided in Easy English to people with disability that need Easy English.			
14. Help people with disability to participate in the community, and access the same facilities and services as others	Supports people with disability to attend general community courses, volunteer their time, be part of a sport club, gain or maintain employment.			
15. Ask people with disability about interests, needs, goals and aspirations	This could be in formal planning meetings but should also be on a daily basis as circumstances arise. This information can also be learned through body language or talking to family/carers.			
16. Respect the privacy of people with disability in all situations	Knocks before entering room, asks people with disability if they want assistance, covers up people with disability when going from bathroom to bedroom, only talks about a person with disability's situation to others who need to know the information as part of their work.			
17. Develop relationships with people with disability so that they are empowered	Develops trust with the people with disability that they support. People with disability feel confident to approach to talk about their concerns, their limitations, their abilities, fears, desires.			
18. Treat all people with disability with dignity in all situations	Talks to people with disability not at them. Treats them appropriately for their age, respects that they are an individual and they have preferences in life.			
19. Encourage the required shift in power to enable people with disability to exercise their rights and responsibilities	Gives people with disability confidence by providing information to them to take control of situations, make choices and decisions that affect them every day and in life.			
20. Balances people with disability's right to choice and take risks against their right to be safe	Provides people with disability with information about the risks that they may face in situations and the consequences if they decide to go ahead with their choice to do something. Provides information about options to minimise the risks.			

21. Take steps to lessen or prevent the possibility of risks happening so that the person stays safe	Organises equipment that may minimise the risk, teaches people with disability safe practices, and educates them in stranger danger.			
22. Explain to people with disability how they can use their funding flexibly to meet their needs	Provides people with disability with options of what they can do and how they can be supported.			
23. Assist people with disability to know how and where to go to speak up or obtain support if they have a complaint or are not happy about something	Knows the procedure, explains this to people with disability. Able to recognise a complaint when it is made and supports people with disability to make complaints.			
24. Raise concerns if they believe the human rights of people with disability are being restricted	Advises manager/supervisor of what they think is not right and states what they believe should be occurring. For instance, people with disability not being given daily choices about what they want to eat or decisions being made for them.			
25. Ask whether there is a less restrictive way to achieve the same outcome when people with disability have restrictive practices in place	Asks what has caused the behaviour of concern? Looks for ways to change the environment, context and interactions with people prior to any changes in the person's behaviour that results from a restrictive intervention. Asks what might be the benefits and risks of a restrictive practice? Will such a restraint further upset the person, harm them, or make them compliant? Will the restraint be viewed as causing emotional or other forms of harm in the longer term? Will it lead to even more difficult behaviours of concern? Asks what is a less restrictive alternative to the restrictive practice?			
26. Respect the diversity of people with disability	Knows that we all have differences and workers need to work with them, rather than see it as a hindrance to them fulfilling their role and responsibilities. They should be utilising these differences to allow people with disability to be themselves and to grow in areas that they want.			

Comments to support responses: i.e. situations observed, discussion topics raised, suggestions and tips given, positive observations explained.

APPENDIX 1 - SUPPORT RESOURCES FOR WORKERS

Support resources for workers

APPENDIX A - HUMAN RIGHTS QUESTIONS AND ANSWERS

After completing the e-learning training program, answer the following questions.

QUESTION	SUGGESTED ANSWER	MODULE
1. Who has human rights?		1
2. Describe four reasons as to why human rights matter in your role?		1
3. What do the three R's stand for in the three-step process? Describe how each of the steps helps you to apply human rights to your work.		1
4. Why is it important to always request help if you don't know what to do or cannot do it on your own?		1
5. Describe the four general human rights principles using the acronym FRED .		1
6. We all have a role to respect, protect and fulfil human rights. Describe what these statements mean in relation to your responsibilities as a disability support worker.		1
7. List the principles of the UN Convention using the acronym I RAN FREE .		2
8. Describe in detail the UN Convention principle - I		2

9. Describe in detail the UN Convention principles - RAN		2
10. Describe in detail the UN Convention principles - FREE		2
11. What is the legislation that guides the support you provide to people with disability?		2
12. What does this legislation mean for you in your role?		2
13. What are the requirements for disability service providers in relation to human rights?		2
14. What is your responsibility under your state/territory's standards, act or charter?		2
15. Name any of the anti-discrimination laws that give effect to human rights and affect your work.		2
<p>16. Think about human rights and risk.</p> <p>a) How do we balance human rights and risks?</p> <p>b) Why should people with disability be supported to make choices that involve risks?</p> <p>c) What is meant by right to choice vs Right to safety</p> <p>d) What is meant by duty to uphold rights vs Duty of care</p>		

<p>17. Behaviours of concern/challenging behaviours may lead to restrictive practices being used which limit a person's human rights. What can you do when faced with behaviours of concern/challenging behaviours?</p>		3
<p>18. Empowerment will help people to understand and exercise their human rights.</p> <p>Describe the following key components of empowerment:</p> <p>a) Awareness</p> <p>b) Autonomy</p> <p>c) Communication</p>		4
<p>19. Why is it important for people with disability to speak up, and for organisations to have a complaints process that enables this to occur?</p>		4
<p>20. People with disability have the right to make a make a complaint about a service and have it addressed and resolved.</p> <p>a) Who can people with a disability complain to?</p> <p>b) What can you do if they have complaint to make?</p>		4
<p>21. Describe the following types of choices people may make:</p> <p>a) Everyday choices</p> <p>b) Lifestyle choices</p> <p>c) Major life choices</p>		4
<p>22. The principles of the NDIS have been summarised in plain English as:</p> <ul style="list-style-type: none"> • Choice & Control • Presumption of capacity • Minimum intervention • Minimum restrictions • Inclusion& flexibility • Dignity in risk <p>Thinking about what you have learnt about human rights in the e-learning training program, describe how these principles support the human rights of people with disability?</p>		N/A

APPENDIX B - HUMAN RIGHTS CASE STUDIES

Provide responses to the following questions related to the case studies in the e-learning training program.

SITUATION: MODULE 1

In Module 1, Steph explains two different situations that occurred with her mail. In the first situation, John acknowledged that he had noticed a letter on her desk. He did not look at it but he made a general enquiry about the contents. In the second situation, John finds a letter open but gives it back to Steph without looking through the contents.

These two examples describe how John, as a disability support worker, respected, protected and fulfilled Steph's human rights as part of this day-to-day practice.

QUESTION

Provide example(s) of where you have had to consider these three key obligations to respect, protect and fulfill the human rights of a person that you work with.

Describe in detail what you did to meet these obligations and why you took this approach.

SITUATION: MODULES 1 & 4

Privacy is very important to all of us and we take it for granted when we are able to complete all our daily living tasks ourselves. When a person needs assistance, this right to privacy can be removed or restricted very easily without workers even realizing it.

Whether it be a situation where workers come into a person's bedroom and do not knock and wait for the person to acknowledge their entrance like it was in Steph's situation with Marge; or whether it be a time where someone is discussing your personal information in front of others without your consent; these are cases where an individual's human right to privacy is not upheld.

Sometimes people will not complain as they don't know they have human rights, they do not have the skills, they are not aware of how to complain or they don't want to cause trouble for anyone, even if they are really unhappy about what is occurring.

In Module 2, Steph describes her desire to go on a holiday to the Great Barrier Reef. She makes the point that everyone was aware of this personal goal, but no planning or discussion had occurred with her about how she could work towards achieving it.

One of the human rights this decision engages is Steph's right to independent autonomy, including the freedom to make one's own choices and the respect for her inherent dignity.

QUESTION

What can you do to assist a person with disability that may be in this situation where their privacy is not being respected and they don't want to complain?

SITUATION: MODULE 2

In Module 2, Steph describes her desire to go on a holiday to the Great Barrier Reef. She makes the point that everyone was aware of this personal goal, but no planning or discussion had occurred with her about how she could work towards achieving it.

One of the human rights this decision engages is Steph's right to independent autonomy, including the freedom to make one's own choices and the respect for her inherent dignity.

QUESTION

If Zita decided to acknowledge this situation with Steph and said the statement below, would she now meet Steph's human rights or would she still be restricting them? Explain your response and detail why you think this.

Statement:

"We are aware that you want to go on a holiday to the Great Barrier Reef but there are times when you just can't do everything you want to do in life because of different restrictions outside of our control. Our staffing situation just won't allow us to support you to do this at the moment – how about all of us go to Phillip Island for a week instead?"

SITUATION: MODULE 2

In Module 2, Steph has received an individualised support package which is allowing her to move on from the day centre which she has attended for 7 years.

She is going to undertake a literacy course, travel on trains and she has very clear goals of wanting to complete her Certificate II in Retail and work in a shop.

This is a fantastic situation where a worker has not only heard what Steph wants but taken action to assist her by being involved in supporting the choices and decisions she has made and consequently change her life. Often this is not the case and choices and decisions are made FOR the person and not WITH the person.

QUESTIONS

- Describe the human rights principles from UN Convention that you believe are being upheld in Steph's situation.
- Describe a time that you are aware of, when a person's goals and aspirations were listened to and acted upon and the outcome for the person has been positive for them.

SITUATION: MODULE 2

In Module 2, Ali's parents have been informed by workers in the house that they are not to visit him at the group home and that the workers believe it would be best that Ali visit them at their home. He is locked in his room when he gets upset when his parents do not come and he is in his room for some time without any engagement from the workers or other people in the house.

QUESTIONS

- What is wrong with this situation?
- Which human rights in the UN Convention are not being upheld for Ali, the other residents?
- Are the workers balancing the risks and duty of care for the other residents above Ali's needs?
- What should be considered to assist this situation and to resolve it so that everyone's needs and rights are being met?

SITUATION: MODULE 3

In Module 3, Steph describes how the group home doors were locked to protect Joshua from wandering off and potentially putting himself at risk. This practice restricted his human rights and the principles in the UN Convention. The specific principles applicable in Joshua's situation are:

- Individual autonomy
- Respect for difference
- Accessibility
- Non-discrimination
- Full and effective participation in the community
- Equality of opportunity

The worker believed that this practice was necessary to provide Joshua with a safe environment. This belief was challenged and less restrictive practices were put into place for Joshua. When this practice of locking the doors occurred and it restricted Joshua's human rights, it also impacted on the human rights of the other people, Steph, Ali and Vicki, who were living in the house.

QUESTION

Describe the rights you believe that have been restricted within the UN Convention for the other people living in the house.

SITUATION: MODULES 3 & 4

In Module 3, Steph describes a lady by the name of Sian who was told by her group home that she could only have one packet of cigarettes a month. As much as Matt at the group home felt that he was doing the best thing for Sian by looking after her health, he was not balancing Sian's right to choose what she wanted. He was only considering the associated risks smoking posed to her health. He decided that these risks were too high, and therefore overrode Sian's right to choice.

There are times when we all believe we are trying to help people with the best intentions but we may not realise that we are restricting their human rights. This includes balancing the need to uphold people's human rights, with the associated risks, the duty of care to yourself and the person you are supporting and the right to safety for all. The right to choice and taking risks can be balanced against the right to safety by taking actions to minimise the risk.

QUESTION

Provide an example of a time when you have been in a situation where you felt you were doing the right thing by the person you were supporting but looking back now you may have been/were actually restricting their human rights.

Your example may involve a restriction on an everyday, lifestyle or major life choices that affected the person.

APPENDIX C - WORK BASED SCENARIOS AND CONFLICTS

Reflect on the questions and discuss responses with your manager and/or colleagues

SCENARIOS AND TASKS

At the end of the e-learning training program you were asked to consider three personal commitments you can make to meet the human rights of people with disability you support.

You were asked to reflect on what you have just learnt and write down two or three personal commitments you will make in the next three months to ensure the human rights of people with disability that you support are being fulfilled.

Keep it simple but think about a person with disability you support or what you do in your job every day. Now write down the commitments that you are going to do to make sure that the human rights of the people with disability you support are being fulfilled.

Discuss with your manager how they would like you to provide this response to them - either in writing or verbally.

SCENARIOS AND TASKS

Understanding human rights and speaking up

a) Discuss and identify with your manager up to three different people that you support or that you know, to explain to you:

- Why is it important that people speak up if they are not happy about something?
- What they would do if they were not happy with something about the service they were receiving?
- Who would they tell this too?
- What would they want done once they had made a complaint?
- Have they ever made a complaint before, if not why not?
- If they have made a complaint, did they feel like it was taken seriously?
- Have they been told what happened or what changed because of their complaint?

b) Find your organisation's complaint policy and procedure.

c) Compare this procedure to what you have been told.

d) Report on your findings and cover the following:

- Was the person with disability's human rights considered during each complaint situation?
- Did the procedure get followed as it is prescribed?
- Do people with disability know how to complain?
- Do they understand the process and expectations of what should happen if they do make a complaint?
- Make a recommendation as to how you would explain these rights to people with disability if they have never been explained to them before

APPENDIX 2 - FAQs ABOUT THE E-LEARNING TRAINING PROGRAM

DOES THE E-LEARNING TRAINING PROGRAM COST ANYTHING?

No, the e-learning training program is FREE.

WHO IS THIS E-LEARNING TRAINING PROGRAM FOR?

The e-learning training program is for disability support workers. It explores what human rights are and how disability support workers can apply them in day to day practice.

It is advisable that all managers also complete the modules. This will not only enable managers to gain an introduction to or refresh their knowledge about human rights, but to engage with support workers about the program.

WHAT DOES IT INVOLVE AND HOW LONG DOES IT TAKE?

The e-learning training program involves:

- Five interactive online training modules
- Each module takes about 20 minutes to complete
- They can be done all at once or spaced out over time

Overall, it should take about 1 hour and forty minutes to complete.

HOW CAN WE USE THE E-LEARNING TRAINING PROGRAM?

This e-learning training program is a flexible resource. You can ask disability support workers to complete the course:

- Individually;
- In pairs; or
- In group training sessions.

If you choose to undertake the e-learning training program in a group training session, a facilitator can talk through a projection of each screen in the modules and the group can collectively discuss the learning activities and select answers.

The facilitator of the group training session should complete the program before the training session. The e-learning training program could be done with a group in a half day or one module at a time over five separate shorter sessions. To allow for group discussion, please allocate more than twenty minutes for each module.

It is possible to print out an individual certificate for each group member by returning to the screen and changing re-entering each individual's name. In the alternative, you can also save a template of the certificate by pressing 'Control' and 'S'.

WHAT DO PARTICIPANTS NEED TO COMPLETE THE PROGRAM?

The e-learning training program can be completed on a computer, tablet or iPad. The computer screen must be 13 inches or larger. This won't be a problem for desk tops and laptops. But it means if you are viewing it on a netbook computer with a screen smaller than 13 inches you will not be able to see the full screen.

It can be viewed on a range of internet browsers, and meets Web Content Accessibility Guidelines. For optimal performance, we recommend that you view the e-learning training program in any of the following internet browsers: Google Chrome, Internet Explorer Version 8.0 or above; or Firefox.

There are videos and audio in the e-learning training program, as well as transcripts. If you cannot view the videos or hear the audio, you can read the information in the transcripts.

WHAT IF WE HAVE ANY TECHNICAL ISSUES?

The e-learning training program has been tested on a lot of different programs to ensure that it runs smoothly. There is however a Computer Help guide available on the launch page if you encounter any issues. For any other issues, please use your organisation's technical support. NDS cannot provide technical advice.

DO SUPPORT WORKERS HAVE TO LOG IN?

There is no log in required.

WHAT SORT OF COMPUTER SKILLS DO PARTICIPANTS NEED?

The e-learning training program has been designed for and tested with everyone, including those with little or no computer experience. There is a navigation page at the beginning of each tutorial to show support workers how to use the program.

HOW WILL I KNOW IF OUR DISABILITY SUPPORT WORKERS HAVE COMPLETED THE MODULES?

At the end of each module, participants will be able to fill in their name and print a Certificate of Completion. You can ask support workers to show you their certificates.

Support workers can also elect to print out their answers to the questions during or at the end of each module. You can use these answers to further discuss human rights.

There is no computer tracking system available for the e-learning training program.

CAN WE ASSESS THE COMPETENCY OF SUPPORT WORKERS WHO HAVE COMPLETED THE E-LEARNING TRAINING PROGRAM?

A competency tool is available to support organisations to assess, reinforce and build on disability support workers' understanding of human rights for Victoria and New South Wales only. Please contact NDS for access to the competency tool.

The competency tool was funded by Peninsula Access Training & Support (P.A.S.T.). NDS acknowledges the work of Kath Moodie, Quality Administration Manager, P.A.S.T. in writing this tool.

